

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Finding Hia-Ced District Representative Virginia Garcia Guilty of a Removable
Offense as Alleged in Count III of the Accusation)

LEGISLATIVE ORDER NO. 14-173

1 **WHEREAS,** the Legislative Council is constitutionally vested with “all of the legislative
2 powers vested in the Tohono O’odham Nation” and is exclusively vested with the
3 authority to conduct removal upon accusation proceedings when a Nation’s
4 elected officer or judge is accused of committing a removable offense
5 (Constitution of the Tohono O’odham Nation, Article VI, Section 1 and Article
6 XIII, Section 1; 12 Tohono O’odham Code Chapter 1, Article X, Section 11002);
7 and

8 **WHEREAS,** pursuant to 12 Tohono O’odham Code Chapter 1, Article X, Section 11002
9 removal upon accusation proceedings are commenced “by the filing with the
10 chairperson of the Legislative Council a written, notarized statement stating the
11 offense(s) charged against the accused in ordinary and concise language and
12 signed by a registered voter or voters of the Nation.”; and

13 **WHEREAS,** March 21, 2014, registered voters Anthony Flores, Eric A. Molina, and Jolene B.
14 Garcia (the “Accuser”) filed with the chairperson of the Legislative Council a
15 written, notarized statement for removal from office (“Accusation”) against Hia-
16 Ced District Officials Chairwoman Christina B. Andrews, Vice-Chairman
17 Fernando Martinez Sr., Representative Sherry Serventi, Representative Brenda
18 Faville, Representative Delphina Cameron, and Representative Virginia Garcia
19 (the “Accused”) alleging the Accused committed removable offenses; and

20 **WHEREAS,** on March 26, 2014 the Legislative Council by Legislative Order No. 14-104
21 adopted Removal Hearing Procedures and set a removal hearing on the
22 Accusation for April 15-17, 2014; and

23 **WHEREAS,** the Accused were personally served from March 26-29, 2014, more than ten days
24 before the removal hearing, with a written removal hearing notice, a copy of the
25 Accusation and attachments, and the Tohono O’odham Legislative Council
26 Removal Hearing Procedures; and

27 **WHEREAS,** the Accused filed written disclosures of witnesses and evidence and numerous
28 pre-hearing motions and requests, which the Legislative Council and
29 chairperson decided; and

30 **WHEREAS,** the Accused were provided copies of the Accuser’s written motions and
31 disclosures of witnesses and evidence that were filed with the Council; and

32 **WHEREAS,** at the Legislative Council’s April 15-17, 2014 removal hearing, the Accused were
33 given the opportunity to be present, be represented by counsel, testify, call and
34 question witnesses, make opening and closing statements, make objections,

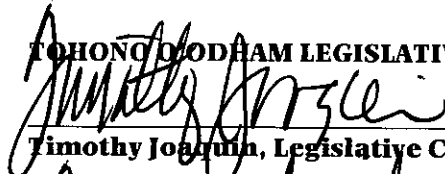
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present evidence, and otherwise answer the allegations contained in the Accusation.

NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it finds Hia-Ced District Representative Virginia Garcia guilty of malfeasance in office as charged in Count III of the Accusation.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 17TH day of APRIL, 2014 at a meeting at which a quorum was present with a vote of 1,795.05 GUILTY; 1,151.45 NOT GUILTY; and -0- ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 and Article XIII, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

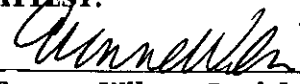
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

21 day of April, 2014

ATTEST:



Evonne Wilson, Legislative Secretary

21 day of April, 2014

ACTION: FINDING HIA-CED DISTRICT REPRESENTATIVE VIRGINIA GARCIA GUILTY OF A REMOVABLE OFFENSE AS ALLEGED IN COUNT III OF THE ACCUSATION

DATE: APRIL 17, 2014

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	GUILTY	NOT GUILTY	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X		
	2. MARY LOPEZ ()	112.1	X		
SELLS 502.0	1. ARTHUR WILSON (Ophelia Pablo)	251.0		X	
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X		
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X		
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1		X	
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston III)	112.1		X	
	2. RACHAEL VILSON-STONER ()	112.1		X	
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X		
	2. JANA MONTANA ()	109.8	X		
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3		X	
	2. EDWARD MANUEL, SR. ()	105.3		X	
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45		X	
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X		
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8	X		
	2. MICHAEL FLORES ()	9.8	X		
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X		
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	120.5		X	
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X		
	2. LORETTA LEWIS (Louis Johnson)	128.65	X		
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X		
	2. BILLMAN LOPEZ ()	159.6		X	
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Robert Harvey)	178.85	X		
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X		
TOTAL		2,946.5	1,795.05	1,151.45	-0-